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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/821,109

04/08/2004

Michael Cafaro

HEL177/4-010US

8231

7590

10/06/2006

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EXAMINER

MANAHAN, TODD E

ART UNIT

PAPER NUMBER

3732

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary  
for Applications  
Under Accelerated Examination**

Application No.

10/821,109

Applicant(s)

CAFARO ET AL.

Examiner

Todd E. Manahan

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Since this application has been granted special status under the accelerated examination program,  
NO extensions of time under 37 CFR 1.136(a) will be permitted and a SHORTENED STATUTORY PERIOD FOR  
REPLY IS SET TO EXPIRE:

ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER,  
FROM THE MAILING DATE OF THIS COMMUNICATION – if this is a non-final action or a Quayle action.  
(Examiner: For FINAL actions, please use PTOL-326.)

The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. Any reply must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the reply is not filed electronically via EFS-Web, the final disposition of the application may occur later than twelve months from the filing of the application.

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 3) ☐ Claim(s) \_\_\_\_ is/are pending in the application.  
3a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 4) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 5) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 6) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 7) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 8) ☐ The specification is objected to by the Examiner.
- 9) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Double Patenting***

Applicant is advised that should claim 8 be found allowable, claim 10 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3, and 5 are rejected under 35 U.S.C. 102(a) as being anticipated by Endo et al. (Japanese Patent No. 2003310339).

Endo et al. disclose a flat straightener comprising an ion generator system 11, a fan 9, and a motor 10.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3732

Claims 1, 2, and 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle ( United Sates Patent No. 4,520,256) in view of Nakagawa et al. ( United Sates Patent Publication No. 2002/0189128).

Doyle discloses the invention essentially as claimed except for the ion generator system. Nakagawa et al. disclose a hair styling appliance having an ion generator system 62. The ion generator system comprises an anode pin and a cathode ring. The device further includes an indicator LED 9 for the ion generator. It would have been obvious to one skilled in the art to provide the curling iron of Doyle with an ion generator system in view of Nakagawa et al. in order to treat the hair and make it smooth and silky.

Claims 1, 3, -6, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al. ( United Sates Patent Publication No. 2005/0076930) in view of Nakagawa et al. ( United Sates Patent Publication No. 2002/0189128).

Yuan et al. disclose the invention essentially as claimed except for the ion generator system. Nakagawa et al. disclose a hair styling appliance having an ion generator system 62. The ion generator system comprises an anode pin and a cathode ring. The device further includes an indicator LED 9 for the ion generator. It would have been obvious to one skilled in the art to provide the flat straightener of Yuan et al. with an ion generator system in view of Nakagawa et al. in order to treat the hair and make it smooth and silky.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd E. Manahan whose telephone number is 571 272- 4713. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Todd E. Manahan  
Primary Examiner  
Art Unit 3732

A handwritten signature in black ink, appearing to read 'T.E. Manahan', with a long horizontal line extending to the right.

T.E. Manahan  
28 September 2006